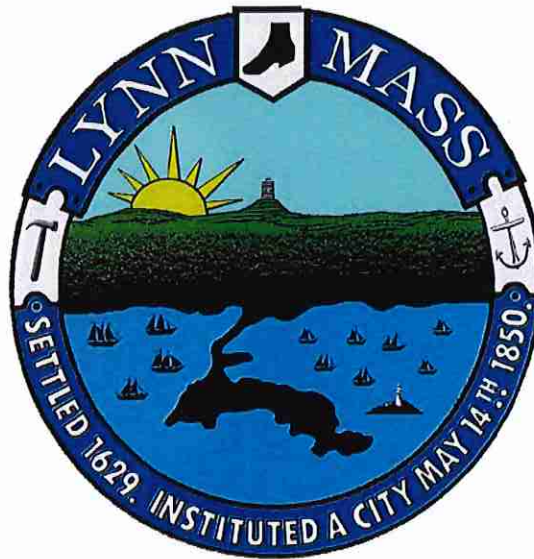


CITY OF LYNN PLANNING BOARD



RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND

(as amended April, 2010)

LYNN PLANNING BOARD
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**RULES AND REGULATIONS GOVERNING THE
SUBDIVISION OF LAND IN LYNN, MASSACHUSETTS**

(Adopted pursuant to Massachusetts General Law, Chapter 41, Sections 81GG, inclusive, The Subdivision Control Law)

SECTION 1.

A. PURPOSE

"The Subdivision Control Law has been enacted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a Planning Board under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways, and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; for ensuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other similar equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions".

B. AUTHORITY

Under the authority granted to the Planning Board of the City of Lynn, pursuant to M.G.L. Chapter 41, Section 81-Q, said Board hereby adopt these Rules and Regulations Governing the Subdivision of Land in the City of Lynn.

SECTION 2. DEFINITIONS

In construing these Rules and Regulations, the terminology shall have that meaning defined within M.G.L. Chapter 41, Section 81-L, unless a contrary meaning is clearly implied or is specifically prescribed.

APPLICANT – Shall include an owner or his agent or representative, or his assigns

BOARD – The Planning Board of the City of Lynn

DEFINITIVE PLAN – The plan of a subdivision as duly submitted with appropriate application to the Board for approval; to be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board and such plan when approved and recorded.

DEVELOPER – A person who develops under a plan of a subdivision approved under these Rules and Regulations.

DRAINAGE – Shall mean the control of surface water within the tract of land to be subdivided.

LOT – Shall mean an area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.

MONUMENT – A permanent marker to indicate a boundary.

MUNICIPAL SERVICE – Shall mean public utilities furnished by the City in which the subdivision is located, such as water, sewerage, and drainage.

OWNER – As applied to real estate, the person or persons holding the fee simple title to a tract or lot of land, as shown by the record in the appropriate Land Registration Office, Registry of Deeds, or Registry of Probate.

PERSON – An individual, or two or more individuals, or a group or association of individuals, a partnership, corporation, or trust having common or undivided interests in a tract of land.

PRELIMINARY PLAN – A plan of a proposed subdivision of land prepared to facilitate proper preparation of a Definitive Plan.

PRIVATE UTILITIES – Shall include telephones, cable television, electric light and power, and gas lines, whether installed above or beneath the surface of the ground.

RECORDED – Shall mean recorded in the Registry of the county or district in which the land in question is situated, except that, as affecting registered land, it shall mean filed with the recorder of the Land Court.

REGISTRY OF DEEDS – The registry of deeds of the county or district in which the land in question is situated and when appropriate shall include the Land Court.

RIGHT OF WAY – The width of a strip of land laid out and designated for the use of passage, including the spaces for vehicular travel and sidewalk area.

ROADWAY – That portion of a right-of-way which is designated for vehicular travel.

SIDEWALK – An area within the right-of-way designed for use by pedestrian travel.

SUBDIVISION – Shall mean the division of a tract of land into two or more lots and shall include re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to

provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by- law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty (20) feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

SECTION 3. FEES

All fees shall be paid by deposit with the Board in the form of cash, a certified check or money order made payable to: CITY OF LYNN. In addition to the required fee for the applicable plan, the applicant shall deposit with the Board the appropriate filing fee for recording the plan and any other document referred to on the plan at the Registry of Deeds. This fee varies according to the size of the plan and length of such documents.

A. APPROVAL NOT REQUIRED PLANS

A filing fee of \$100.00 toward the cost of Board and Staff review of the plan to determine its conformance with the standards herein

B. SUBDIVISION PLANS

1. PRELIMINARY PLANS

A filing fee of \$500.00 plus \$100.00 per lot toward the cost of initial Board and Staff site inspection and technical plan-review to determine the conformance of the design to that site and the standards herein

2. DEFINITIVE PLANS

A filing fee of \$500.00 plus \$100.00 per lot if a preliminary plan has been submitted and approved, or \$1,000.00 and \$150.00 per lot if a preliminary plan has not been submitted. This fee shall be applied toward the mailing of notices to abutters, final plan review, and site inspection by the Board, Staff, and the appropriate municipal agencies.

In regard to advertisement costs for the Definitive Subdivision Plan, the applicant shall be responsible for payment of incurred advertising cost. This must be paid prior to the public hearing and before approval or denial is given. This will mean that the applicant will be billed directly by the Planning Division – Inspectional Services Department.

C. ROADWAY IMPROVEMENT PLANS

A filing fee of \$300.00 is required for review and inspection of plans showing the extension of an existing roadway and the construction of new roadways within an existing prior approved right-of-

way. This approval will be in conformance with the City of Lynn's Street Opening Ordinance, permit manual; the City of Lynn's Planning Board's Rules and Regulations Governing the Subdivision of Land in Lynn and subject to the following conditions:

- No change in lot lines or new lots are included within this approval
- All extensions of streets greater than five-hundred (500) feet must be approved by the Planning Board.
- All street extensions proposing to connect to another City or Town must be approved by the Planning Board.
- All water, sewer, and drain extensions/installations must be approved by the Lynn Water and Sewer Commission.

SECTION 4. PLAN BELIEVED NOT TO REQUIRE APPROVAL UNDER THE SUBDIVISION CONTROL LAW

A. SUBMISSION

Any person who wishes to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land, and who believes that said plan does not require Approval under the Subdivision Control Law, shall submit to the Planning Board:

1. Two (2) copies of a properly executed Application (Form A)
2. Original of the plan
3. Three (3) copies of the plan
4. Copy of the Assessor's map showing the street and property lines as they presently exist
5. Appropriate filing fee
6. Municipal lien certificate for all affected property of the applicant shown on the plan

This submission shall be accompanied by the necessary evidence to show that the plan does not require approval.

B. CONTENTS

Said plan shall be legibly drawn in accordance with the Rules and Regulations of the Registry of Deeds, as amended, pertaining to plan size, material, lettering and related requirements shall contain all required seals and signatures required by the Registry of Deeds prior to the recording of said plan and shall contain the following information:

1. The statement "Approval under the Subdivision Control Law Not Required" and sufficient space (six lines) for the date and signatures of members of the Planning Board
2. All lots affected by an increase or decrease in land area

3. Proper identification of all the land area frontage of any remaining adjoining land owned by the applicant
4. The name of all abutters as determined from the most recent tax list, including those in adjoining communities
5. The name and status (public or private; improved or unimproved) of all streets and ways on which the lot is located
6. The name of the record owner
7. Title, boundaries, north point, date, scale, and the stamp and signature of a land surveyor registered in Massachusetts
8. Any variances or exceptions made by the Zoning Board of Appeals applicable to the land shall be inscribed thereon

C. PROCEDURE

The plan, copies, and application shall not be deemed to have been submitted to the Planning Board until it has been delivered to the Board at a regular or special meeting thereof, and accepted in writing by the Board as complying with the requirements of these Rules and Regulations. Thereafter, the person submitting the plan and application shall file, by delivery or registered mail, a notice with the City Clerk stating that date of submission for such determination and accompanied by a copy of said application.

If the Board determines that the plan does not require approval, it shall, without a public hearing, and within twenty one (21) days of submission, endorse the plan accordingly. The Board shall notify the City Clerk, in writing, of its action. The Planning Board shall record the endorsed plan in the proper Registry of Deeds at the applicant's expense. One (1) copy of the plan shall be retained in the files of the Board, and three (3) copies shall be returned to the applicant.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within twenty one (21) days of submission of the plan, so inform the applicant in writing and return the plan. The Board shall also notify the City Clerk in writing of its action.

SECTION 5. NEW SUBDIVISION

No person shall make a subdivision of any land within the City of Lynn or proceed with the improvement or sale of lots, construction of ways, or the installation of municipal services therein, unless and until he/she has first submitted to the Planning Board for its approval a Definitive Plan of such subdivision showing the lots into which such land is to be divided and the ways already existing or which are to be provided by him/her for furnishing access to such lots, and the Planning Board has approved such plan in the manner hereinafter provided.

A. PRELIMINARY PLAN

1. SUBMISSION

A preliminary plan of a subdivision may be submitted by the applicant for discussion and tentative approval by the Planning Board. The submission of such a preliminary plan will enable the applicant, the Board, and other city agencies to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be submitted in every case.

The applicant shall submit to the Planning Board:

- a. two (2) copies of a properly executed Preliminary Plan Application (Form B)
- b. the original drawing of the Preliminary Plan and seven (7) prints thereof, dark line on white background
- c. a copy of the Assessor's map showing the street and property lines as they presently exist
- d. the appropriate filing fee

2. CONTENTS

The preliminary plan should show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Definitive Plan. Any person who submits a preliminary plan of a subdivision to the Planning Board for approval shall file with the Board seven (7) copies of the plan drawn on tracing paper or a print thereof containing the following information:

- a. The subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan"
- b. Name of the record owner, the applicant, and the name, seal, and address of the engineer or surveyor who made the plan
- c. The names of all abutters as determined from the most recent tax list
- d. Existing and proposed lines of streets, ways, easements, and any public areas within the subdivision
- e. The proposed system of sewerage disposal, water installation, electric, cable television, street lighting, natural gas, and drainage, including existing natural or artificial waterways
- f. The approximate lines of proposed lots with approximate land areas and dimensions shall be numbered on each lot
- g. The names, approximate location, and widths of adjacent streets
- h. The topography of the land in a general manner
- i. The zoning district and area requirements of land shown on the plan and abutting property

- j. Areas of the plan designated as wetlands and/or flood plain

3. PROCEDURE

The preliminary plan and application shall not be deemed to have been submitted to the Planning Board until it has been delivered to the Board at a regular or special meeting thereof and accepted in writing by the Board as complying with requirements of these Rules and Regulations. Thereafter, the applicant submitting the plan and application shall file, by delivery or registered mail, a notice with the City Clerk stating that date of submission for such determination and accompanied by a copy of said application.

At the Planning Board's option, copies of the preliminary plan may be forwarded to the appropriate city agencies for their information and review. These agencies shall provide the Board with any comments or recommendations relative to those areas of their concern within fourteen (14) days of the plan submission. The Planning Board and Department staff shall consider this information in the discussion and clarification of problems associated with the preliminary subdivision plan.

In the event of disapproval of a preliminary plan, the Board shall state the reasons for its disapproval in accordance with M.G.L. Chapter 41, Section 81-U within forty-five (45) days after the submission of the preliminary plan, the Board shall notify the applicant by certified mail and the City Clerk of its action.

B. DEFINITIVE SUBDIVISION PLAN

1. SUBMISSION

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file the following items:

- a. The original drawing of the Definitive Plan and seven (7) prints thereof, dark line on white background
- b. A completed and properly executed Application for Approval of a Definitive Plan (Form C)
- c. The appropriate filing fee
- d. A list of the names and addresses of all owners of land within a three-hundred (300) foot perimeter of the property line of the land
- e. A certified copy of the recorded deed for the parcel for verification of ownership
- f. A municipal lien certificate showing that all taxes have been paid on the property in question
- g. An electronic copy of the proposed subdivision in a format specified by the Planning Board

2. CONTENTS

The Definitive Plan shall be prepared, stamped, and signed by a land surveyor and/or professional engineer registered in Massachusetts. All pages shall be in the proper form for recording in the Registry of Deeds or filing with the Land Court. If the property that comprises the subdivision or any part or boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court procedure, and the same requirement shall apply to any adjoining parcels of land of the applicant. The plan shall be at a scale of one inch equals forty feet or other such scale as the Board may accept to show details clearly and adequately. If multiple sheets are used, they shall be accompanied by an original drawing index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

- a. Title block at the lower right hand corner showing the subdivision name, the name(s) of the record owner, and applicant, date, scale, the stamp and signature of a registered land surveyor and registered professional engineer, the title "Definitive Subdivision Plan", and the title or designation of the drawing.
- b. The subdivision boundaries, north point, and legend
- c. The zoning district classification, area frontage, and set back requirements of the land shown on the plan and the abutting properties. Any variances or exceptions made by the Zoning Board of Appeals applicable to the subdivision of the land shall be inscribed therein.
- d. Names of all owners of abutting property as they appear on the most recent tax list
- e. Existing and proposed lines of streets, ways, lots, zoning district boundaries, easements within and abutting thereon, and public or common areas within the subdivision. All proposed rights of way and easements shall be of an all-utility nature, including vehicular access. The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board.
- f. Sufficient data to readily determine the location, direction, and length of every street and way line, lot line, and boundary line, and to establish these lines on the ground. These are to be tied to existing bounds wherever possible.
- g. Length, radii, centerline radii and the angle of intersection of all curves.
- h. Location of all permanent, proposed, and existing monuments at all street intersections of street right-of-ways, at all points of change in direction or curvature, and at the end of all streets.
- i. Location, names, and present widths of streets bounding, approaching, or within reasonable proximity of the subdivision, clearly identifying pavement and right-of-way widths.
- j. Major site features of the land, such as stone walls, fences, buildings, rock or ledge

outcroppings, waterways, water bodies, swamps, natural drainage courses or other wetlands, existing at the time of the survey.

- k. Existing and proposed locations of the base flood elevation within the subdivision
- l. Suitable space to record space to record the action of the Board and the signatures of all members of the Board.

Items m through q may be submitted on separate sheets of the same size and material as the index sheet or on the same sheet as the Definitive Plan. Each sheet shall bear the information required in paragraphs a, b, and l above.

- m. Profiles on the exterior and center lines streets at a horizontal scale of one inch equals forty feet and vertical scale of one inch equals four feet. All elevations shall refer to the City of Lynn datum. A description of the benchmark used shall be noted on the profile.
- n. Topographical lines at two foot intervals, existing and proposed. Proposed should indicate that the property can be properly drained. Drainage calculations may be required in a suitable form along with additional plans outlining drainage areas within and affecting the subdivision.
- o. Proposed layout and profiles of water, sewer, drain, gas, and electric lines, street lighting, cable television, appurtenances, easements, special structures pertinent thereto, and other improvements as required by the Board. The utility plan shall be on separate pages whenever possible, for the purpose of clarity.
- p. Typical cross-sections of each street, roadway, drainage ditch, and sidewalk to be constructed.
- q. The location and species of all proposed trees as required by these rules and regulations.

3. PROCEDURE

The Definitive Plan and Application shall not be deemed to have been submitted to the Planning Board until it has been delivered to the Board at a regular or special meeting thereof and accepted in writing by the Board as complying with the requirements of these Rules and Regulations. Thereafter, the Applicant submitting the plan and application shall file, by delivery or registered mail, a notice with the City Clerk stating that date of submission for such determination and accompanied by a copy of said application.

A. PLAN REVIEW

The applicant may be required to stake the center line of all proposed streets at a minimum of every one-hundred (100) feet with these stations and the cut or fill dimensions necessary to accommodate the finished grade marked on the stakes for the purpose of facilitating site and plan review of the Definitive Plan by the appropriate City agencies.

1. BOARD OF HEALTH

When a Definitive Plan of a subdivision has been properly submitted to the Planning Board, a copy thereof shall also be filed with the Board of Health. If the Board of Health is in doubt as to whether any of the land within the subdivision can be used for building sites without injury to the public health, it shall so notify the Planning Board within forty-five (45) days. Any plan approval by the Planning Board shall then only be granted on the condition that no building or structure shall be built or placed upon those designated areas without prior consent of the Board of Health. Such conditions shall be inscribed on the plan.

2. The Planning Board shall submit copies of the Definitive Plan to the Department of Public Works, the Lynn Water and Sewer Commission, the Conservation Commission, and other municipal agencies as deemed necessary by the Board. Each agency shall be requested to notify the Board, in writing, as to the conformance of the proposed improvements with their standards of design and construction and to provide any additional comments or recommendations relative to those areas of their concern within a period of fourteen (14) days.

3. PUBLIC HEARING

Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of the time and place of such hearing shall be given by the Board, at the expense of the applicant, by advertisement in a newspaper of general circulation in the City of Lynn, pursuant to M.G.L. Chapter 41, Section 81-T. A copy of such advertisement shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing on the most recent tax list.

4. CERTIFICATION OF APPROVAL

The action of the Board in respect to such plan shall be by vote, copies of which shall be certified, and filed with the City Clerk, and sent by delivery or registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board (or by the signature of the person officially authorized by the Board), but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of action of the Board with the City Clerk and said Clerk has notified the Board that no appeal has been filed. The Board may, as a condition of their approval, impose reasonable requirements designed to promote the health, convenience, safety, and general welfare of the community and to benefit the City of Lynn. The Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto, to which reference is made on such plan and which for the purpose of the subdivision

control law shall be deemed part of the plan.

5. PERFORMANCE GUARANTEE

Before endorsement of its approval of a plan, the Planning Board shall require that the construction of ways and the installation of municipal services, and any additional conditions of approval be secured one, or in part by one and in part by another, of the methods described within M.G.L. Chapter 41, Section 81-U. The applicant may elect to proceed under any of the forms of guarantee of performance outlined therein. The purpose of requiring such guarantees is to insure that the required street improvements will be completed either before any lot is sold or built upon or within a reasonable time thereafter. The amount of any bond or securities held by the Planning Board shall be as determined by the Board. The amount of this performance guarantee shall from time to time be adjusted to reflect the actual expected cost of work remaining to be completed.

6. PLAN CHANGES OR ALTERATIONS

No changes or alterations shall be made in an approved Definitive Subdivision Plan without resubmitting the changes for approval by the Planning Board in accordance with M.G.L. Chapter 41, 81-0 and 81-W.

7. PERIOD OF CONSTRUCTION

The construction of ways, the installation of municipal services, and the inspection and acceptance thereof, in accordance with these Rules and Regulations, shall be completed within two (2) years from the date of the plan endorsement, unless requested and granted an extension by the Planning Board. Any extension to the period of construction may require adjustment of the amount of the performance guarantee to ensure that sufficient funds are available to the City to complete the works as approved. If the ways are not completed, and the utilities not installed within the time so required by the Board, and the Board does not grant an extension of the time period, any such performance guarantee may be applied by the Board for the benefit of the City of Lynn.

8. COMPLETION OF WAYS AND SERVICES

Upon the completion of the construction of ways and the installation of municipal services, in accordance with these Rules and Regulations, and the submission of the following forms and information, the applicant may request, in writing, the release of any bond, deposit, or covenant held by the Planning Board securing the completion of these improvements.

- a. Reproducible as-built plans, prepared, stamped and signed by a land surveyor and professional civil engineer both holding a certificate of registration in Massachusetts and an electronic copy of same. The plan shall contain the following information:

- i. The precise location of all utilities and appurtenant structures
 - ii. Cross-sections and grade of all ways, and three (3) foundation ties to all permanent monuments.
- b. Properly completed Form O and written certificates of satisfactory completion of the required facilities from:
 - i. Lynn Water and Sewer Commission confirming the issuing of proper permits, inspection, and approval of in-road utilities, and
 - ii. Department of Public Works stating the accept- ability of the alignment and grade of the roadway, curbing, and sidewalks
- c. A properly completed Form L transferring to the City of Lynn valid unencumbered title to all utilities constructed and installed in the subdivision or portion thereof, and conveying to the City and the Lynn Water and Sewer Commission, free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate, and forever maintain such commonsanitary, sewers, main storm sewers, main storm drains, and water drains, with any manholes, pipes, conduits, and other appurtenances to do all acts incidental thereto in, through, and under the whole of all streets in the subdivision or portion thereof to be approved, and any such common sewers, main storm drains, or water mains have been constructed, and installed in land within such streets, then in, through, and under a strip of land extending a reasonable width on each side of the center line of all such common sewers, main storm drains, and water mains.

If the Planning Board determines that said construction or installation has been completed, it shall release the interest of the City of Lynn in such bond and return the bond or deposit to the applicant who furnished the same, or release the covenant by appropriate instrument, duly acknowledged, which may be recorded.

9. RETAINAGE OF PERFORMANCE GUARANTEE

The Planning Board, upon acceptance and release of lots in the subdivision from Covenants and required improvement, shall retain an amount of negotiable securities to be determined by the Board. This retainage shall be sufficient to cover the released subdivision improvements for a guaranteed period from one year from the date of acceptance of the ways and municipal services by the Board.

SECTION 6. ROADWAY EXTENSION OR IMPROVEMENT PLANS

No person shall make an extension of any existing roadway or construct a new roadway within an existing previously approved right-of-way within the City of Lynn, unless and until he/she has first submitted to the Inspectional Services Department - Planning Division - for its approval of a Roadway Improvement Plan and the ways already existing which are to be improved by him/her for furnishing access to such lots, and the Planning Division has approved such plan in the manner hereinafter provided.

1. SUBMISSION

A roadway improvement plan showing a roadway extension or improvements to an existing right-of-way may be submitted by the applicant to the Inspectional Services Department - Planning Division. The submission of such a plan will enable the applicant, the Division, and other city agencies to discuss and clarify the problems of such a roadway extension or improvement.

The applicant shall submit to the Planning Division:

- a. Two (2) copies of a properly executed Roadway Extension or Improvement Plan Application (Form Z)
- b. The original drawing of the Roadway Improvements Plan and five (5) prints thereof, dark line on white background
- c. A copy of the Assessor's map showing the street and property lines as they presently exist
- d. The appropriate filing fee – three hundred dollars (\$300.00)

2. CONTENTS

The plan should show sufficient information about the improvements to form a clear basis for discussion of its problems with the Planning Division. The applicant shall file with the Board five (5) copies of the plan thereof containing the following information:

- a. The roadway name, boundaries, north point, date, scale, legend, and title "Roadway Improvement Plan"
- b. Name of the record owner, the applicant, and the name, seal, and address of the engineer or surveyor who made the plan
- c. The names of all abutters as determined from the most recent tax list
- d. Existing and proposed lines of streets, ways, easements, and any public areas within three hundred (300) feet of the proposed improvements
- e. The proposed system of sewerage disposal, water installation and drainage, electric, gas, street lighting, cable television, including existing natural or artificial waterways
- f. The lines of existing lots with approximate land areas and dimensions shall be numbered on each lot

- g. The names, approximate location, and widths of adjacent streets
- h. the topography of the land in a general manner
- h. The zoning district and boundary's and area requirements of land shown on the plan and abutting property
- i. Areas of the plan designated as wetlands and/or flood plain

3. PROCEDURE

The plan and application shall not be deemed to have been submitted to the Planning Division until it has been delivered to the Board and the filing fee paid.

Copies of the preliminary plan will be forwarded to the appropriate City agencies for their information and review. These agencies shall provide the Board with any comments or recommendations relative to those areas of their concern within twenty-one (21) days of the plan submission. The Planning Division staff shall consider this information in the discussion and clarification of problems associated with the plan.

In the event of disapproval of a plan, the Division shall state the reasons for its disapproval to the applicant in writing and forward a copy of same to the Lynn Planning Board.

Within forty-five (45) days after the submission of the plan, the Planning Division shall notify the applicant by certified mail of its action.

SECTION 7. DESIGN STANDARDS

A. STREETS

1. LOCATIONS AND ALIGNMENTS

- a. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide for safe vehicular traffic in relation to the proposed use of the land abutting thereon and adjacent public ways. Due consideration shall also be given by the subdivider to the attractiveness of the street layout to obtain the maximum livability and amenity of the subdivision.
- b. The proposed streets shall conform in location, so far as practicable, to any existing or proposed plans of the Board, and to the existing and proposed street system.
- c. Provisions satisfactory to the Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided.
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- e. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.
- f. The minimum centerline radii of the travel way shall be one hundred (100) feet. Greater radii may be required for principal streets.

- g. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than seventy-five (75) degrees. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one-hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless approved by the Planning Board.
- h. Property lines at street intersections shall be rounded or cut back to provide for a radius of not less than twenty (20) feet.
- i. Intersections shall be designed with a flat grade wherever practical. In hill or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) slope at a distance of sixty (60) feet, measured from the nearest right of way line of the intersecting street.
- j. Where any street intersection will involve earth bands or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility the developer shall cut such ground/vegetation in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- k. Minimum curb radius at the intersection of two (2) minor streets shall be at least twenty (20) feet, and minimum curb radius at an intersection involving major roadway shall be twenty-five (25) feet.
- l. Where a subdivision borders an existing roadway not in conformance with the Planning Board's Rules and Regulations or in need of widening to maintain public safety due to the additional traffic imposed upon the roadway due to the construction of the new subdivision, the applicant shall be required to improve and dedicate, at its expense, those areas for widening or realignment of those roads along its borders.

2. WIDTH

The minimum width of street rights-of-way shall be as follows: Residential Streets less than five-hundred (500) feet in length: forty (40) feet. Residential Streets greater than five-hundred (500) feet in length fifty (50) feet; Non-residential and mixed use streets: Minimum width of fifty (50) feet, but a greater width shall be required by the Board when deemed necessary for present and future vehicular travel or for non-residential or mixed use subdivisions.

3. GRADES

Grades of streets shall be not less than 1.0%. Grades shall not be more than four (4%) percent for principle streets, nor more than eight (8%) percent for secondary streets. The determination of the classification of streets is to be made by the Planning Board.

4. DEAD-END STREETS

- a. Dead-end streets shall not be longer than as outlined: Residential: one thousand (1,000) feet; Non-Residential and mixed use: seven-hundred and fifty (750) feet; unless, in the opinion of the Board, a greater length is necessitated by lot shape, topography, or other

local conditions.

- b. A turn-around having the following dimension:

Type	Property Line Diameter	Paved Way Diameter
Non-Residential	120 feet	100 feet
Residential	100 feet	84 feet

Shall be provided at the end of the approved portion of a way which does not connect with another way

- c. A roadway easement from the end of the dead-end street to adjacent property may be required by the Board. Should a dead-end street be subsequently extended beyond the required turn-around, any easement, other than land required for the extension of the roadway, may be relinquished to the adjacent properties.

5. CURBING

Curbing shall be installed on all ways within a subdivision to contain surface run-off and to maintain pavement. Handicap-access ramps constructed in compliance with the Commonwealth of Massachusetts Architectural Access Boards Rules and Regulations (current version) ramps shall be provided at street intersections and pedestrian crossings. Curbing material shall be provided in accordance with the following schedule:

- a. A type "A" machine-formed bituminous concrete berm shall be provided on all ways less than six percent (6%) in conformity.
- b. Sloped granite edging shall be used for curbing in residential subdivisions and vertical granite curbing shall be used in non-residential subdivisions.

6. ACCESS THROUGH ANOTHER MUNICIPALITY

In the case of access to a subdivision crossing land in another municipality, the Board shall require certification from the appropriate authorities that such access is in accordance with the Master Plan and/or subdivision requirements of such municipality and that a legally adequate performance bond has been duly posted or that such access is adequately improved to handle prospective traffic.

B. SIDEWALKS

1. LOCATION AND ALIGNMENT

- a. Sidewalks shall be provided parallel to the roadway and shall be within the right-of-way for such roadway.
- b. Handicapped-access ramps constructed in compliance with the Commonwealth of Massachusetts Architectural Access Boards Rules and Regulations (current version) shall be provided at street inter- sections and pedestrian crossings.

- c. Proposed sidewalks shall be coordinated with existing pedestrian circulation systems.
- d. Sidewalk easements may be required by the Board for a sidewalk layout which is not parallel to a roadway.

2. WIDTH

The paved width of a sidewalk shall be at least four (4) feet in a residential area and eight (8) feet in a non-residential area. A landscaped median of at least three and one-half (3-1/2) feet shall separate all sidewalks from adjacent roadways.

3. GRADE

a. VERTICAL

The vertical grade of all sidewalks shall follow the finished grade of the adjacent roadway.

b. TRANSVERSE

All sidewalks shall maintain a two (2%) percent transverse grade towards the gutter edge of the adjacent roadway. Grades behind the sidewalk area shall be adjusted to provide for a smooth safe transition to/from abutting properties, consisting of either a minimum of a three (3) foot shoulder and a stabilized fifty percent (50%) slope of seeded lawn or adequate retainage and safety appurtenances as determined necessary by the Board including retaining walls or armored slopes.

C. UTILITIES

All new utility systems and extensions shall be designed for the estimated service population of the subdivision and with full consideration of future extensions of such systems through adjacent properties. Initial installation shall be of sufficient size to be adequate for such future extension.

1. MUNICIPAL SERVICES

The Planning Board and the Lynn Water and Sewer Commission will approve the plans for new sewer systems and extensions to new areas only when designed upon the plan in which rainwater from streets, roofs, and other areas and ground water from foundation drains and other drainage contributors are collected and removed in a separate system.

Connections for sewer, drain, water, gas, oil, electric and telephone service from the main structure in the right-of-way to the exterior line of the way, shall be constructed for each lot whether or not there is a building thereon.

All water, sewer, and drainage systems shall be designed in accordance with the requirements of the Board and the Lynn Water and Sewer Commission.

A. WATER

1. Every subdivision shall be connected to the public water supply system

by the developer unless otherwise approved by the Planning Board and the Board of Health.

2. Water pipes and related equipment, such as hydrants and main shut-off valves, shall be installed within the subdivision as necessary to provide all lots on each street with adequate water supply for domestic and fire protection use.

B. SEWER

All lots within any new subdivisions shall connect to the public sewage system. Connection to the system shall be subject to any required approvals, including a permit for the extension of the sewer system, issued by the Massachusetts Division of Water Pollution Control.

C. STORM DRAINAGE

Storm drainage and related facilities shall be designed to permit the unimpeded flow of all natural water courses to ensure adequate drainage at all low points along streets to control erosion and to intercept storm water run-off along streets.

1. DESIGN BASIS

Storm drains shall be based on a one-hundred (100) year frequency storm.

2. CATCH BASINS

Catch basins shall be provided on both sides of the roadway on continuous grade at intervals of not more than four-hundred (400) feet, at low points and sags in the roadway, and near the corners of the roadway at intersecting streets. In no instance shall catch basins be located along a driveway cut. Catch basins are to be installed in accordance with the Lynn Water & Sewer Commission's Rules and Regulations.

2. PRIVATE UTILITIES

A. TELEPHONE LINES

Telephone lines shall be installed in underground conduits at the time of initial construction.

B. ELECTRICITY

Transformers, switches, and other such equipment may be placed on the ground in approved locations, screened from view by evergreen shrubbery, subject to Planning Board approval. All electrical conduits shall be laid underground at the time of initial construction.

C. GAS

Gas mains may be installed if gas connection is approved and available.

D. STREET LIGHTING

Street lighting is to be provided to adequately illuminate the street for the proposed use, residential, commercial or industrial. Ornamental type lighting is to be provided in all new residential subdivisions. The applicant will submit lighting plans to the Planning Board showing proposed lighting levels, fixture types and installation requirements.

3. FIRE HYDRANTS

Fire hydrants shall be provided every five-hundred (500) running feet or fraction thereof on one (1) side of the street.

4. HIGHWAY GUARD, FENCES AND WALLS

Guard fences, rails and walls shall be installed wherever determined necessary by the Planning Board and/or the Commissioner of the Department of Public Works to provide needed protection to the public. When provided, they shall be constructed in accordance with the relevant portions of HIGHWAY GUARD, FENCES AND WALLS (of the Standard Specifications of the Commonwealth of Massachusetts Mass Highway Department details of all fences, rails, and walls will be shown on the Definitive Plan for the Subdivision. Plans for retaining walls and armoured slopes will be prepared by an engineer registered within the Commonwealth of Massachusetts and submitted to the Planning Board prior to the commencement of construction on the subdivision.

5. POSTAL SERVICE

The developer shall provide the necessary arrangements for the installation of curbside box systems for the delivery of mail unless otherwise approved by the Board.

6. TREES

Street trees of nursery stock conforming to the standards of the American Association of Nurserymen of the species approved by the Tree Warden and/or the Planning Board shall be planted on each side of each street in a subdivision, except where the Definitive Plan shows trees to be retained which are healthy and adequate. Street trees shall be located within the unpaved portion of the right-of-way at fifty (50) foot intervals, shall be at least twelve (12) feet in height and two (2) inches diameter four (4) feet above the approved grade. All trees shall be wrapped, staked, and tied.

The developer shall be liable for all trees so planted as to their good health and

viability after planting and until the release of all performance guarantees and for a one-year period after release of the performance guarantee.

7. PROTECTION OF WETLANDS

Under the Wetlands Protection Act, Massachusetts General Laws, Chapter 131, Section 40, "no person shall remove, fill, dredge or alter any bank, freshwater wetland, beach, dune, flat, marsh meadow or swamp bordering on any.... creek, river, stream, pond or lake, or any land under said waters... without filing written notice of his intention to so remove, fill, dredge or alter, including such plans as may be necessary to describe such proposed activity and its effect on the environment, at least sixty (60) days prior to any removing, filling, dredging or altering". Said notice shall be sent by certified mail to the Conservation Commission. No such notice shall be sent before all permits, variances and approvals required by local by-laws with respect to the proposed activity have been obtained." The Board may condition its approval of a Definitive Plan upon the issuance of an "Order of Conditions" by the City of Lynn's Conservation Commission.

8. EASEMENTS

- A. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twenty (20) feet wide, centered on the utility and shall be shown on the plan and shall become a permanent part of any deed granted.
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes, and shall be shown on the plan and shall become a permanent part of any deed granted.

9. OPEN SPACES

Before approval of a plan, the Board may also, in proper cases, require the plan to show a park or parks suitably located for playground or recreational purposes or for providing light and air. The park, or parks, shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its approval.

10. PROTECTION OF NATURAL FEATURES

Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision, as determined by

the Planning Board.

11. ONE DWELLING PER LOT

Not more than one building design or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the City, without the consent of the Planning Board, and such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building, the same manner as otherwise required for lots within a subdivision.

12. FLOOD PLAIN DISTRICT

All subdivision proposals shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal is located within a Flood Plain District established by FEMA and shown on the latest version of the FEMA maps or in an area known to experience flooding, it shall be reviewed to assure that:

- A. The proposal is designed consistent with the need to minimize flood damage, and
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage, and
- C. Adequate drainage systems shall be provided to reduce exposure to flood hazards.
- D. Base flood elevation (the level of the 100-year flood) data shall be provided for proposals greater than fifty (50) lots or five (5) acres, whichever is the lesser, for that portion within the Flood Plain District.

SECTION 8. CONSTRUCTION STANDARDS

A. STREET AND ROADWAY

- 1. The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material, and all trees not intended for preservation.
- 2. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.
- 3. All roadways shall be brought to an elevation of four (4) inches below finished grade as shown on the profiles of the Definitive Plan with at least the top twelve (12) inches consisting of well-compacted binding gravel to a width of at least the approved paved way plus two feet. Approval shall be obtained, in writing, before application of the binding surface from the Commissioner of the Department of Public Works (D.P.W.).

4. The completed gravel surface shall be treated for the full width of the roadway with Type 1 bituminous concrete pavement in accordance with the Commonwealth of Massachusetts Mass Highway Department, or as approved by the Planning Board.

The final wearing surface shall not be installed until all excavation in the street area is completed, and just prior to the final acceptance of the street construction by the D.P.W., and the Planning Board. Prior to final wearing surface installation, the binder course shall be cleaned and properly adjusted.

The compacted thickness of the pavement shall be at least four (4) inches and shall be installed with a two and one-half (2-1/2) inch binder course and a one and one-half (1-1/2) inch top course to be the wearing surface. All paving shall be built in conformity with specifications and to the satisfaction of the Commissioner of the D.P.W. of the City of Lynn and the Planning Board.

5. The subdivider shall provide an erosion and dust control plan eliminating erosion hazards and providing mitigating measures deemed necessary by the Planning Board or its representatives to control nuisance dust associated with the subdivision development.

B. SIDEWALKS

1. Sidewalks of not less than eight (8) feet in width shall be constructed on both sides of the street in residential areas and twelve (12) feet in non-residential subdivisions.
2. The exterior four (4) feet of the sidewalk shall be brought to an elevation of two (2) inches below finished grade with at least the top six (6) inches consisting of well-compacted binding gravel. The completed travel surface shall be treated for the full width with two (2) inches of smooth bituminous concrete pavement.
3. The interior portion of the sidewalk will be brought to grade and provided with a suitable grass plot.
4. The sidewalk shall maintain a two (2%) percent pitch towards the gutter- edge of the roadway. This relationship shall be maintained consistent along the finished grade of the street
5. An acceptable transition from the proper sidewalk elevation, commencing at a point three (3) feet inside the gutter, to the street shall be provided across driveway aprons.
6. Grades behind the sidewalk shall be adjusted to provide for a smooth transition to/from abutting properties, consisting of either a stabilized 50% slope of seeded loam or adequate retainage and safety appurtenances as deemed necessary by the Planning Board.

C. UTILITIES

New utility systems and extensions shall be designed for the estimated service population of the subdivision and with full consideration given to the future extension of such systems through adjacent properties.

Initial installation shall be of sufficient size to be adequate for such future extension. No water

main shall be extended, and no sewer or drain line shall be installed, until the applicant complies with the following:

- a. Filed an application with the Lynn Water and Sewer Commission, and the application has been accepted and approved, in writing, by the Commission, and said approval to be filed with the Planning Board prior to start of construction,
- b. Obtained all necessary permits from the Commission and the Massachusetts All work shall be in conformance with the Rules and Regulations of the Lynn Planning Board, Lynn Water and Sewer Commission, and the Commonwealth of Massachusetts Department of Environmental Protection.

1. SEWER, WATER, AND DRAIN SYSTEMS

A. GENERAL

1. All pipe material and fittings proposed shall meet the current specifications and standards of the Lynn Water and Sewer Commission
2. No pipe shall be laid until street grades, street lines, and property lines have been clearly laid out and properly defined.
3. All sewer, drain, & water utilities shall be specified, installed, and tested in accordance with the Lynn Water & Sewer Commissions rules and regulations concerning such installations.

Any variation from said rules and regulations must be approved in writing and filed with the Lynn Planning Board. Failure to propose utility installations in conformance with the Lynn Water and Sewer Commissions regulations will constitute a reason for denial of the proposed subdivision plan.

4. It shall be the responsibility of the subdivider to obtain a Massachusetts Sewer Extension and Connection Permit from the Division of Water Pollution and Control of the Massachusetts Department of Environmental Protection prior to connecting to any existing sewer system, if required.
5. Catch basins shall be installed on both sides of the roadway on continuous grades at intervals of not more than four hundred (400) feet, at low points and sags in the roadway, and near the corners of the roadway at intersecting streets.
6. New water supply mains shall be designed in full consideration of the requirements of the subdivision to be served, the possibility of future extension, the need to provide adequate fire protection, and the pressure level of the subdivision in relation to the hydraulic gradient of the City of Lynn.

2. MONUMENTS

Monuments shall be installed at all street intersections, at all co-points of changes in direction or curvature of streets and at points where, in the opinion of the Board, permanent monuments are necessary. Such monuments shall be granite or reinforced concrete, at least four (4) inch square on the top surface and 3'-6" in length. The monuments shall be set so that the top surface is

flush with the finish grade at the back edge of the sidewalk. No permanent monuments shall be installed until all construction which may destroy or disturb the monuments is completed.

SECTION 9. INSPECTION PROCEDURE AND SCHEDULE

A. PLAN REVIEW

The applicant may be requested by the Planning Board to stake the centerline of all proposed streets at a minimum of every one-hundred (100) feet with these stations and the cut and fill dimensions necessary to accommodate the finished grade marked on the stakes for the purpose of facilitating the site and plan review of the Definitive Plan by the appropriate city agencies.

B. CONSTRUCTION PERIOD

The developer shall maintain visible markings clearly defining street and property lines and the cut and fill dimensions necessary to accommodate the finished grade of the street throughout the development of the subdivision to facilitate the inspection process by the Lynn Planning Board and the appropriate City agencies.

Written notice shall be provided to the Lynn Planning Board, the Water and Sewer Commission, and the Department of Public Works forty-eight (48) hours prior to the start of construction.

1. UTILITY INSTALLATION

The developer shall notify the Lynn Planning Division and the Lynn Water and Sewer Commission when underground municipal utilities are installed in order that inspection may be carried out prior to trench backfilling. Approval for backfilling will not constitute final approval of the utility until such lines are properly tested, cleaned, and flushed.

The developer shall submit a registered land surveyor's field survey notes on lines and grade of all underground utilities as constructed to the Planning Board and the Lynn Water and Sewer Commission.

The developer shall submit a letter from the Lynn Water and Sewer Commission, utility provider, and the cable television provider confirming the issuance of all proper permits, completion of all necessary inspections, and the approval of all in-road utilities to the Planning Board prior to the application of the bituminous binder surface to the street.

2. ROAD CONSTRUCTION

The developer shall submit a letter from the Department of Public Works stating the acceptance of the lines and grade of the street to the Planning Board prior to the application of the bituminous binder surface to the street.

- a. The developer shall notify the Lynn Planning Board and the Department of Public Works, in writing, forty-eight (48) hours prior to the application of the final wearing surface to the street and sidewalk and the placement of curbing.
- b. The developer shall submit a copy of a registered land surveyor's field notes

showing survey work for stone monument locations to the Department of Public Works.

C. COMPLETION OF IMPROVEMENTS

1. The developer must submit a reproducible and electronic copy of a registered professional engineer's final drawing, "as-built" plans and profiles of travel ways, including a certificate that the improvements are as shown on previously approved plans to the Planning Board, Lynn Water and Sewer Commission, and City Engineer's Office.
2. Failure to comply with the inspection procedures may necessitate removal of improvements at the expense of the applicant or rescission of the approval of the plan in accordance with M.G.L. Chapter 41, Section 81-W.

SECTION 10. ADMINISTRATION

A. VARIATION

Strict compliance with the requirements of these Rules and Regulations may be waived when in the judgement of the Board such action is in the public interest and not inconsistent with the Subdivision Control Law. Any such waiver must be requested in writing by the Board as a part of its approval or amendment thereof, otherwise all requirements contained herein are deemed applicable.

B. SPECIAL CIRCUMSTANCES

In the event that any of the foregoing Rules and Regulations do not fully cover a special or unforeseen or unique circumstance arising from a proposed subdivision, the Planning Board may make a reasonable determination, interpretation, or extension of its Rules and Regulations using commonly accepted standards approved by the Board to resolve the aforesaid circumstance.

C. SEPARABILITY

If any section, paragraph, sentence, clause, or provision of these Rules and Regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these Rules and Regulations shall be deemed valid and effective.

D. AMENDMENTS

These Rules and Regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board after a public hearing on its own motion or by petition.

E. REFERENCE

For matters not covered by these Rules and Regulations, reference is made to the Subdivision Control Law which is in Sections 81-K to 31-GG, inclusive, of Chapter 41 of the General Laws.

SECTION 11. FORMS

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

File one completed Form A with original and three prints with the Planning Board at one of its regular scheduled meetings and one copy of Form A with the City Clerk in accordance with the requirements of Section III of the Rules and Regulations Governing the Subdivision of Land of the City of Lynn Planning Board.

To the Planning Board:

Date _____

The undersigned, believing that the accompanying plan of his property in the City of Lynn does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant: _____

Address: _____

2. Name of Engineer or Surveyor: _____

Address: _____

3. Deed of property recorded: _____

Book: _____ Page: _____

4. Address of Property: _____

Signature of Owner or Agent: _____

Address: _____

Date received by Planning Board _____

Clerk of Planning Board: _____

The Plan needs to show:

- 1) Lot or lots involved
- 2) Name of each abutter
- 3) All abutting land which is the property of the applicant
- 4) Name of all streets or ways on which the property is located
- 5) Stamp of a registered land surveyor
- 6) The words, "Approval Under Subdivision Control Law Not Required"
- 7) Space for signature by the Planning Board

The applicant shall also provide a sketch of the property in question and of abutting lots as they appear on the maps of the Assessor of the City of Lynn.

A MUNICIPAL LIEN CERTIFICATE SHALL BE PROVIDED FOR ALL AFFECTED PROPERTY OF THE APPLICANT SHOWN ON THE PLAN REQUESTING ENDORSEMENT UNDER THE APPROVAL NOT REQUIRED PROVISION OF THE SUBDIVISION CONTROL LAW.

FILING FEES: 1) \$100.00 (Certified Check, Cash, or Money Order) Payable to the City of Lynn

FORM A-1

LYNN PLANNING BOARD
CITY OF LYNN, MASSACHUSETTS

DETERMINATION THAT SUBDIVISION APPROVAL IS NOT REQUIRED

_____ 20__

City Clerk
City of Lynn
Lynn, Massachusetts

RE: Application for endorsement of plan believed not to require subdivision approval.

Applicant: _____

Applicant's Address: _____

You are hereby notified that the plan entitled _____
submitted by the above applicant on _____ 20__, accompanied by a Form A application for
a determination by the Planning Board, dated _____ 20__, has been endorsed by the
Planning Board as follows: "Lynn Planning Board approval under the Subdivision Control Law Not
Required."

LYNN PLANNING BOARD

FORM A-2

LYNN PLANNING BOARD
CITY OF LYNN, MASSACHUSETTS
DETERMINATION THAT SUBDIVISION APPROVAL IS REQUIRED

20

City Clerk
City of Lynn
Lynn, Massachusetts

Re: Application for endorsement of plan believed to require subdivision approval

Applicant: _____

Applicant's Address _____

You are hereby notified that the Planning Board has determined that the plan entitled: _____, submitted by the above applicant on _____, 20__, accompanied by a Form A application for the Subdivision Control Law, and it has been determined that the plan shows a subdivision for the following reasons:

LYNN PLANNING BOARD

FORM B

APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

20

To the Planning Board of the City of Lynn:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed

Subdivision shown on a plan entitled: _____

drawn by _____ dated _____

and described as follows: _____

located _____ number of lots proposed _____

total area of tract _____; said applicant hereby submits said plan as a preliminary subdivision plan in accordance with the Rules and Regulations of the Lynn Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____

by deed dated _____ and recorded in the _____ District Registry of Deeds, Book _____ Page _____ registered in the _____ Registry District of the Land Court, Certificate of Title No. _____

Applicant's Signature: _____

Applicant's Address: _____

Applicant's Telephone Number: _____

Owner's signature and address if not the applicant or applicant's authorization

if not the owner _____

FORM B-1

CITY OF LYNN, MASSACHUSETTS

CERTIFICATE OF APPROVAL OF A PRELIMINARY PLAN

_____ 20 ____

City Clerk
City of Lynn
Lynn, Massachusetts

It is hereby certified by the Planning Board of the City of Lynn, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, 20____, it was voted to approve/approve with modification a preliminary Subdivision plan entitled:

drawn by _____, dated _____
submitted by _____, address _____
owned by _____, address _____

originally filed with the Planning Board on _____ 20 ____

concerning the property located at _____

and showing _____ proposed lots with the following modifications:

Lynn Planning Board

Accepted this _____ day of _____ 20__ as duly submitted under the Rules and Regulations of the
Lynn Planning Board.

Lynn Planning Board

COMMONWEALTH OF MASSACHUSETTS

Essex,ss

_____ 20__

The above-named members of the Lynn Planning Board appeared before me this _____ day
of _____ 20__, and stated this to be their true act and deed.

Notary Public
My Commission Expires _____

FORM B-2

LYNN PLANNING BOARD
CITY OF LYNN, MASSACHUSETTS

CERTIFICATE OF DISAPPROVAL OF A PRELIMINARY PLAN

_____ 20__

City Clerk
City of Lynn
Lynn, Massachusetts

It is hereby certified by the Planning Board of the City of Lynn, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, 20__, it was voted to disapprove a preliminary Subdivision plan entitled: _____

_____ drawn by _____ address _____
submitted by _____ address _____
owned by _____ address _____
originally filed with the Planning Board on _____ 20__
concerning the property located at _____

_____ and showing _____ proposed lots with the following modifications:

LYNN PLANNING BOARD

FORM C
LYNN PLANNING BOARD
CITY OF LYNN, MASSACHUSETTS
APPLICATION FOR APPROVAL OF A DEFINITIVE SUBDIVISION PLAN

_____ 20__

To the Planning Board of the City of Lynn:

The undersigned, being the applicant, as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled: _____

drawn by _____, dated _____,
and described as follows: Located at _____,
number of proposed lots _____, total acreage of tract _____; hereby
submits said plan as a DEFINITIVE subdivision plan in accordance with the Rules and
Regulations of the Lynn Planning Board and makes application to the Board for approval of said
plan.

The undersigned's title to said land is derived from _____

by deed dated _____, and recorded in the _____ District Registry of Deeds,
Book _____, Page _____, registered in the _____ Registry District of the Land Court,
Certificate of Title No. _____; and said land is free of encumbrance(s) except for the
following _____

Said plan has () has not () evolved from a preliminary plan submitted to the Board on _____
20__,
and approved (with modifications () disapproved () on _____ '20__.

The undersigned hereby applies for the approval of said DEFINITIVE plan by the Board, in
belief that the plan conforms to the Board's Rules and Regulations.

Applicant's Signature _____

Applicant's Address _____

Applicant's Telephone Number _____

Owner's signature and address
If not the applicant or applicant's
authorization if not the owner

Accepted this _____ day of _____ 20__ as duly submitted under the Rules and
Regulations of the Lynn Planning Board.

Lynn Planning Board

FORM C-1

LYNN PLANNING BOARD
CERTIFICATE OF APPROVAL OF A DEFINITIVE PLAN

_____ 20__

City Clerk
City of Lynn
Lynn, Massachusetts

It is hereby certified by the Planning Board of the City of Lynn, Massachusetts, that at a
duly called and properly posted meeting of the Planning Board, held on _____ 20__,
It was voted to approve a definitive subdivision plan entitled:

drawn by _____, dated _____

submitted by _____

address _____

owned by _____

address _____

originally filed with the Planning Board on _____ 20__, concerning
property located at _____
and showing _____ proposed lots, with the following condition(s):

Endorsement of the approval is conditional upon the provision of a performance guarantee,
in the form of a duly executed and approved, to be noted on the plan and recorded with the
Essex Registry of Deeds, said form of guarantee may be varied from time to time by the
Applicant subject to agreement on the adequacy and amount of said guarantee by the Board.

LYNN PLANNING BOARD

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

On this day of , before me, an undersigned notary public, personally appeared Members of the Lynn Planning Board, who proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding or attached document in my presence.

Judith S. Lewin
Notary Public
My Commission Expires
September 24, 2015

FORM C-2

PLANNING BOARD

CITY OF LYNN, MASSACHUSETTS

CERTIFICATE OF APPROVAL WITH MODIFICATIONS OF A DEFINITIVE PLAN

_____20__

City Clerk
City of Lynn
Lynn, Massachusetts

It is hereby certified by the Planning Board of the City of Lynn, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____20__, it was voted to approve a definitive subdivision plan entitled _____ drawn by _____, dated _____, submitted by _____, address _____, owned by _____, address _____, originally filed with the Planning Board on _____20__, and showing _____ proposed lots, with the following modification(s): _____

and with the following conditions _____

Endorsement of the approval is conditional upon the provision of a performance guarantee, in the form of a _____ duly executed and approved, to be noted on the plan and be recorded with the Essex South District Registry of Deeds, said form of guarantee may be varied from time to time by the applicant subject to agreement on the adequacy and amount of said guarantee by the Board. Modifications must also be shown on this plan before its endorsement and recording.

LYNN PLANNING BOARD

FORM C-3

CITY OF LYNN, MASSACHUSETTS

CERTIFICATE OF DISAPPROVAL OF A DEFINITIVE PLAN

_____ 20__

City Clerk
City of Lynn
Lynn, Massachusetts

It is hereby certified by the Planning Board of the City of Lynn, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, it was voted to disapprove a definitive subdivision plan

entitled _____,
drawn by _____, dated: _____,
submitted by _____, address: _____,
owned by _____, address _____,
originally filed with the Planning Board on _____ concerning
property located at _____, and
showing _____ proposed lots because the plan fails to conform to the Planning Board's
Rules and Regulations or the recommendations of the Board of Health on the following respects:

NOTE TO CLERK: The Planning Board should be notified immediately of any appeal to the Superior Court on this subdivision disapproval made within the statutory twenty (20) day appeal period.

Lynn Planning Board

FORM C-4

LYNN PLANNING BOARD

APPLICATION FOR APPROVAL OF A PLAN FOR BUILDING LOTS LACKING
ADEQUATE FRONTAGE AND OR/ACCESS

The undersigned applicant, as defined under Massachusetts General Laws, Chapter 41, Section 81-R and 81-U, herein requests a waiver by the Lynn Planning Board from the strict compliance with the frontage and/or access requirements of the Subdivision Control Act and its Rules and Regulations Governing the Subdivision of Land in Lynn.

PLAN INFORMATION

PLAN TITLE: _____

PREPARED BY: _____

PLAN DATE: _____

LOCATION: _____

NUMBER OF PROPOSED LOTS: _____

LOT FRONTAGE(S):	LOT # _____	FRONTAGE _____
	LOT # _____	FRONTAGE _____
	LOT # _____	FRONTAGE _____

PLAN CONTENT REQUIREMENTS

- 1) Lot(s) involved
- 2) Name of all abutters
- 3) All abutting land owned by the applicant
- 4) Name of all streets or ways on which the property maintains frontage access
- 5) Stamp and Signature of a Registered/Professional Land Surveyor
- 6) A statement that: "LYNN PLANNING BOARD APPROVAL OF A WAIVER FROM THE REQUIREMENTS OF M.G.L. CH. 41, SECTION 81-R AND THE LYNN PLANNING BOARD'S RULES AND REGULATIONS", and space for endorsement by the Planning Board.
- 7) A City Clerk's statement as follows: "I, CITY CLERK OF THE CITY OF LYNN HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LYNN PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE". Include line for date and signature of City Clerk.

The applicant shall also provide a sketch of the property in question and of abutting lots as they appear on the maps of the Assessor of the City of Lynn.

The applicant shall also provide an Assessor's Sheet highlighting properties within a three hundred (300') foot radius of the property line as they appear on the most recent Assessor's records.

A MUNICIPAL LIEN CERTIFICATE SHALL BE PROVIDED FOR ALL AFFECTED PROPERTY OF THE APPLICANT SHOWN ON THE PLAN REQUESTING ENDORSEMENT BY THE LYNN PLANNING BOARD.

FILING FEES: 1) **\$100.00** (CERTIFIED CHECK, CASH, OR MONEY ORDER PAYABLE TO THE CITY OF LYNN)

2) THE APPLICANT SHALL BE RESPONSIBLE FOR ALL ADVERTISING COSTS RELATED TO THE PLANNING BOARD'S CONSIDERATION OF THIS PLAN

SIGNATURE: _____

APPLICANT'S ADDRESS: _____

APPLICANT'S TELEPHONE NUMBER: _____

OWNER'S SIGNATURE AND ADDRESS IF NOT THE APPLICANT OR APPLICANT'S AUTHORIZATION IF NOT THE OWNER

ACCEPTED THIS _____ DAY OF _____, 200 , AS DULY SUBMITTED UNDER THE RULES AND REGULATIONS OF THE LYNN PLANNING BOARD.

LYNN PLANNING BOARD

FORM D

DESIGNER'S CERTIFICATE

20

To the Planning Board of the City of Lynn:

In preparing the plan entitled _____ and dated _____, 20____, I hereby certify that the above-named plan and accompanying data is true and correct to the accuracy required by the current Rules and Regulations Governing the Subdivision of Land in Lynn, Massachusetts and required by the rules of the Massachusetts Registries of Deeds and my source of information about the location of boundaries shown on said plan were one or more of the following:

1. Deed from _____, to _____ dated _____, and recorded in the Essex South District Registry in Book _____, Page _____

2. Other deeds and plans, as follows

3. Oral information furnished by

4. Actual measurement on the ground from a starting point established by

5. Other sources

Signed _____
(Registered Land Surveyor)

Seal of Surveyor/Engineer

Address

Signed _____
(Registered Professional Engineer)

Seal of Professional Engineer

FORM E

PLANNING BOARD
CITY OF LYNN, MASSACHUSETTS
CERTIFICATE OF AMENDMENT, MODIFICATION OR RESCISSION OF APPROVAL
OF DEFINITIVE SUBDIVISION PLAN

City Clerk
City of Lynn
Lynn, Massachusetts

On the motion/petition of _____, dated _____, 20____, and in accordance with Massachusetts General Laws, Chapter 41, Section 81-W, it is hereby certified by the Planning Board of Lynn, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, 20____, it was voted to amend/modify/rescind the approval of the definitive subdivision plan of land entitled _____ owned by _____ of _____ address _____ revised plans(s) dated _____, and revised by _____), and recorded at the Essex County District Registry of Deeds, Plan Book _____, Page _____ (performance guarantee being _____, and recorded in Book _____, Page _____, land located _____ and showing _____ proposed lots, by making the following amendments/modification(s), by rescinding the approval for the following reasons:

All prior conditions of approval shall remain in full force and effect until such time as they are met; pursuant To Massachusetts General Laws, Chapter 41, Section 81-W, this Amendment/ Modification/Rescission shall take effect when duly recorded by the Planning Board at the Essex County Registry of Deeds the plan or originally approved, or a copy thereof, a certified copy of this vote making such, Amendment/Modification or Rescission, and any plan or other document referred to in this vote. Said recording to be at the expense of the applicant in the case of Amendment or Modification.

The Amendment/Modification/Rescission of the approval of this plan shall not affect the lots in the subdivision which have been sold or mortgaged in good faith and for a valuable consideration or any rights appurtenant thereto, without the consent of the owner of such lots, and of the mortgage or mortgages, if any, thereon. Written consent from said owners and mortgages, if any, is attached hereto.

NOTE TO CLERK: The Planning Board should be notified immediately of any appeal to the Superior Court on this subdivision Amendment/Modification/Rescission of the approval made within the statutory 20-day appeal period

If no appeal is filed with your office, the Planning Board should be notified at the end of the 20-day appeal period in order that the originally approved plan may receive an appropriate endorsement and be recorded along with a registered copy of the certified vote Amending/Modifying/Rescinding the approval.

LYNN PLANNING BOARD

5. That nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
6. That the undersigned agrees to record this covenant with the Essex County Registry of Deeds, forthwith, or to pay the necessary recording fee to the said Planning Board in the event the Planning Board shall record this agreement forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed, as provided in Section 81-U, Chapter 41, M.G.L.
8. That this covenant shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.
9. Upon final completion of the construction of ways and installation of municipal services, as specified herein, on or before the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, shall result in automatic rescission of the approval of the plan. Upon performance of this covenant with respect to any lot, the Planning Board may release such lot from this covenant by an appropriate instrument duly recorded.
10. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part, by another of the methods described in M.G. L., Chapter 41, Section 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.

For title to the property, see deed from _____, recorded in Essex Registry of Deeds, Book _____, Page _____, or registered in _____ Land Registry, Document Number _____, and noted on Certificate of Title Number _____ in Registration Book _____ Page _____.

The present holder of a mortgage upon the property is _____ of _____ The mortgage is dated _____, recorded in _____ Registry of Deeds, Book _____ Page _____, or registered in _____ Land Registry as Document Number _____, Registration Book _____ Page _____, dated _____. The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the same status, force and effect as though executed and recorded before the taking of the mortgage and further agrees that the mortgage shall be subordinate to the above covenant.

_____ spouse of the undersigned applicant hereby agrees that such interest as 1, we, may have in the premises shall be subject to the provisions of this covenant and insofar as is necessary releases all rights of tenancy by the dower or homestead and other interests therein.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day, 20__.

APPROVED AS TO FORM

LYNN PLANNING BOARD

Office of the City Solicitor

FORM F
COVENANT

_____, 20____
Lynn, Massachusetts

KNOW ALL MEN by these presents that the undersigned has submitted an application, dated _____ 20____
to the Lynn Planning Board for approval of a definitive plan of a subdivision of land entitled: _____
plan drawn by _____, dated: _____
owned by: _____, address _____
land located: _____; and showing _____ proposed lots.

The undersigned has requested the Planning Board to approve such plan without requiring a performance bond.

IN CONSIDERATION of said Planning Board of Lynn, in the county of Essex, approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the inhabitants of the City as follows:

1. That the undersigned is the owner in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

*If there is more than one owner, all must sign. "Applicant" may be an owner or his agent or representative, or his assigns, but the owner of record must sign the Covenant.

2. That the undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:
 - a. The application for Approval of Definitive Plan (Form C)
 - b. The Subdivision Control Law and the Planning Board's Rules and Regulations Governing this subdivision
 - c. The Certificate of Approval and the conditions of approval specified therein, issued by the Planning Board, dated _____
 - d. The Definitive plan as approved and as qualified by the Certificate of Approval
 - e. Other document(s) specifying construction to be completed, namely;

However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this Covenant which provides that no lot be sold or conveyed or shall be built upon until the ways and services have been provided to serve such lot.

3. That this Covenant shall be binding upon the executors, administrators, devisees, heirs, successors, and assigns of the undersigned and shall constitute a Covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
4. That particular lots within the subdivision shall be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Planning Board and enumerating the specific lots to be released.

SCHEDULE G

PERFORMANCE GUARANTEE SECURED BY DEPOSIT OF MONEY

_____, 20____
Lynn, Massachusetts

AGREEMENT made this date between the City of Lynn Planning Board and _____ hereinafter referred to as "the applicant" of _____, to secure construction of ways and installation of municipal services in the subdivision of land shown on a plan entitled _____

drawn by _____ dated _____
owned by _____ address _____
located on _____ and showing _____ proposed lots.

KNOW ALL MEN by these presents that the applicant hereby binds and obligates himself his or its executors, administrators, devisees, heirs, successors and assigns to the City of Lynn, a Massachusetts municipal corporation, acting through its Planning Board, in the sum of _____ dollars, and has secured this obligation by depositing with the Treasurer of said City of Lynn, a deposit of money in the above sum to be deposited in a subdivision escrow-account in the name of the City. The deposit of money is to be used to insure the performance by the applicant of all covenants, conditions, agreements, terms, and provisions contained in the following:

1. Application for Approval Definitive Plan (Form C), dated:
2. The subdivision control law and the Planning Board's Rules and Regulations governing this subdivision and dated _____
3. Conditions included in the Certificate of Approval Issued by the Planning Board and dated _____
4. The definitive plan as qualified by the Certificate of Approval; and
5. Other documents specifying construction or installation to be completed, namely: (specify other documents, if any, and list lots secured if only a part of the subdivision is secured by a deposit of money _____)

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed all obligations or has elected to provide another method of securing performance as provided in M.G.L. Chapter 41, Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before _____ or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, the deposit of money, including all interest accrued thereon shall be returned to the applicant by said City, and this Agreement shall become void. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the deposit of money may be applied in whole, or in part, by the Planning Board for the benefit of the City of Lynn to the extent of the reasonable cost to the City of Lynn for completing such construction or installation as specified in this Agreement. Any unused money and the interest accrued on the deposit of money will be returned to the Applicant upon completion of the work by said City.

The City of Lynn, acting by and through its Planning Board, hereby agrees to accept the aforesaid deposit of money in the amount specified in this agreement as security for the performance of the project as aforesaid.

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

On this day of , before me, an undersigned notary public, personally appeared Members of the Lynn Planning Board, who proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding or attached document in my presence.

OWNER

On this _____ day of _____, _____ before me, an undersigned notary public, personally appeared _____ who proved to me through satisfactory evidence of identification, which was _____ to be the persons whose names are signed on the preceding or attached document in my presence.

MORTGAGEE OR AUTHORIZED REPRESENTATIVE

On this _____ day of _____, _____ before me, an undersigned notary public, personally appeared _____, _____ who proved to me through satisfactory evidence of identification, which was _____ to be the persons whose names are signed on the preceding or attached document in my presence.

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FORM H

PERFORMANCE SECURED BY A SURETY COMPANY

_____, 20____
Lynn, Massachusetts

AGREEMENT made this date between the City of Lynn, _____
hereinafter referred to as "the applicant" of _____
and _____, a corporation duly and existing under the laws of
the State of Massachusetts, and having a usual place of business at
_____, hereinafter referred to as "the surety" to secure construction
of ways and installation of municipal services in the subdivision of land shown on a plan entitled:

drawn by: _____ dated: _____
owned by: _____ address: _____
land located: _____, and showing _____ proposed lots.

KNOW ALL MEN by these presents that the applicant and the surety hereby bind and obligate themselves, their, or its executors, administrators, devisees, heirs, successors and assigns, jointly and severally to the City of Lynn, a Massachusetts, a municipal corporation, acting through its Planning Board, in the sum of _____ dollars, and have secured this obligation by depositing with the Treasurer of said City of Lynn, a surety bond to secure the above sum of money, said surety bond to be used to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for approval Definitive Plan (Form C), dated _____
2. The subdivision control law and the Planning Board's Rules and Regulations governing this subdivision and dated _____
3. Conditions included in the Certificate of Approval issued by the Planning Board and dated _____
4. The definitive plan as qualified by the Certificate of Approval; and
5. Other documents) specifying construction or installation to be completed, namely: (specify other documents, if any, and list lots secured if only a part of the subdivision is secured by a surety company) _____

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed all obligations, or has elected to provide another method of securing performance as provided in M.G.L., Chapter 41, Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before, or such later date as may be specified by vote of the Planning Board with the written concurrence of the applicant and the surety, the interest of the City of Lynn in such surety bond shall be released, the surety bond shall be returned to the surety, and this agreement shall become void. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the surety bond may be enforced, in whole, or in part, by the Planning Board for the benefit of the City of Lynn to the extent of the reasonable cost to the City of Lynn of completing such construction or installation as specified in this agreement. Any unused portion of the surety bond will be released and the unused portion of the surety bond will be returned to the surety upon completion of the work by said City.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of
_____, 20__

Lynn Planning Board

Commonwealth of Massachusetts

Essex,ss

_____, 20__

Then personally appeared _____ the above-named Planning Board of the City of Lynn,
Massachusetts, and the applicant and acknowledged the foregoing Instrument to be the free act and deed
of said parties before me.

Notary Public
My Commission Expires _____

SCHEDULE I

PERFORMANCE SECURED BY REGISTERED
NEGOTIABLE SECURITIES (BONDS,
STOCKS, PUBLIC SECURITIES)

20____
Lynn, Massachusetts

AGREEMENT made this date between the City of Lynn and _____
hereinafter referred to as "the applicant" of _____
to secure construction of ways and installation of municipal services in the
subdivision of land shown on a plan entitled: _____

drawn by: _____, dated: _____
owned by: _____ address: _____
land located: _____, and showing _____ proposed lots.

KNOW ALL MEN by these presents that the applicant hereby binds and obligates himself, his or its
executors, administrators, devisees, heirs, successors and assigns to the City of Lynn, a
Massachusetts municipal corporation, acting through its Planning Board, in the sum of dollars and
has obligation by depositing with the Treasurer of said City of Lynn, and instrument of transfer to the
Planning Board of said (city/town), duly acknowledged, and prepared in a suitable form pursuant to
the provisions of the Massachusetts General Laws for the following type of negotiable security
_____, said instrument of transfer shall also specify the above sum of money as a
security for performance by the applicant of construction of the ways and installation of municipal
services in the aforesaid subdivision and, where apt, a new certificate shall also be deposited with
said Treasurer. Said certificate shall be free from encumbrances and shall be issued pursuant to
Chapter 156-8, section 30, M.G.L. in the name of the Planning Board of said (city/town) and shall
express on its face that it is held as collateral security to insure the performance by the applicant of
all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval Definitive Plan (Form C), dated:
2. The subdivision control law and the Planning Board's Rules and Regulations
governing this subdivision and dated
3. Conditions Included in the Certificate of Approval issued by the Planning
Board and dated
4. The definitive plan as qualified by the Certificate of Approval; and
5. Other documents specifying construction or installation to be completed,
namely: (specify other documents, if any, and list lots secured if only a part
of the subdivision is secured by a negotiable
security) _____

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily
performed all obligations, or has elected to provide another method of securing performance as
provided in M.G. L., Chapter 41, Section 81 -U.

Upon completion by the applicant of all obligations as specified herein, on or before or such later date
as may be specified by vote of the Planning Board with the written concurrence of the applicant, the
interest of the City of Lynn, in the aforesaid security shall be released and said security shall be
returned, by appropriate instrument, to the applicant by the City and this agreement shall become void.
In the event the applicant should fail to complete the construction of ways and installation of municipal
services as specified in this agreement and within the time specified herein, the security,
namely _____ may be negotiated in whole, or in part, by the Planning Board for the benefit of

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____
day of _____, 20__

Lynn Planning Board

Commonwealth of Massachusetts

Essex,ss

_____20__

Then personally appeared _____ the above-named Planning Board of the City of Lynn,
Massachusetts, and the applicant and acknowledged the foregoing instrument to be the free act and deed
of said parties before me.

Notary Public
My Commission Expires _____

Surety Bond Company

Commonwealth of Massachusetts

Essex,ss

_____20__

Then personally appeared _____ the above-named Planning Board of the City of Lynn,
Massachusetts, and the applicant and acknowledged the foregoing instrument to be the free act and deed
of said parties before me.

Notary Public
My Commission Expires _____

FORM J
PERFORMANCE GUARANTEE SECURED BY BANK PASSBOOK

____ 20 ____
Lynn, Massachusetts

AGREEMENT made this date between the City of Lynn and _____
hereinafter referred to as "the applicant" of _____
to secure construction of ways and installation of municipal services in the
subdivision of land shown on a plan entitled _____
drawn by _____, dated _____
owned by _____, address _____
land located _____; and showing _____ proposed lots.

KNOW ALL MEN by these presents that the applicant hereby binds and obligates himself, his, or
its executors, administrators, devisees, heirs, successors, and assigns to the City of Lynn, a
Massachusetts municipal corporation, acting through its Planning Board, in the sum
of _____ dollars, and has secured this obligation by deposit with the
Treasurer of said City of Lynn, a deposit of money for the above sum represented by Bank
Passbook No. _____, with an order drawn on the _____ Bank of _____
payable to the order of the Planning Board of the City of Lynn, said sum to be used to insure the
performance by the applicant of all covenants, conditions, agreements, terms and provisions contained
in the following:

1. Application for approval Definitive Plan (Form C), dated _____
2. The subdivision control law and the Planning Board's Rules and Regulations
governing this subdivision and dated _____
3. Conditions included in the Certificate of Approval issued by the Planning Board
and dated _____
4. The definitive plan as qualified by the Certificate of Approval; and
5. Other documents) specifying construction or installation to be completed,
namely: (specify other documents, if any, and list lots secured if only a part of the
subdivision is secured by a surety company _____

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily
performed all obligations, or has elected to provide another method of securing performance as
provided in M.G. L., Chapter 41, Section 81 -U.

Upon completion by the applicant of all obligations as specified herein, on or before or such later date
as may be specified by vote of the Planning Board with the written concurrence of the applicant, the
interest of the City of Lynn, in the aforesaid security shall be released and said security shall be
returned, by appropriate instrument, to the applicant by the City and this agreement shall become
void. In the event the applicant should fail to complete the construction of ways and installation of
municipal services as specified in this agreement and within the time specified herein, the security,
namely _____ may be negotiated in whole, or in part, by the Planning Board for the benefit
of the City of Lynn, Massachusetts, to the extent of the reasonable cost to _____ of
completing such construction or installation as specified in this agreement.

the City of Lynn, Massachusetts, to the extent of the reasonable cost to _____ of completing such construction or installation as specified in this agreement.

Any unused funds resulting from the negotiation of aforesaid security by the City or any securities which are not negotiated by City will be returned to the applicant upon completion of the work by said City of Lynn.

The City of Lynn, acting by and through its Planning Board, hereby agrees to accept the aforesaid deposit of money in the amount specified in this agreement as security for the performance of the project as aforesaid:

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this
day of _____, 20__.

Lynn Planning Board

Commonwealth of Massachusetts

Essex,ss _____ 20, __

Then personally appeared the above-named Planning Board of the City of Lynn, Massachusetts, and acknowledged the foregoing instrument to be their free act and deed before me.

Notary Public
My Commission Expires

APPLICANT

Commonwealth of Massachusetts

Essex,ss _____ 20, __

Then personally appeared the above-named Planning Board of the City of Lynn, Massachusetts, and acknowledged the foregoing instrument to be their free act and deed before me.

Notary Public
My Commission Expires

Any unused funds resulting from the negotiation of aforesaid security by the City or any securities which are not negotiated by City will be returned to the applicant upon completion of the work by said City of Lynn.

The City of Lynn, acting by and through its Planning Board, hereby agrees to accept the aforesaid deposit of money in the amount specified in this agreement as security for the performance of the project as aforesaid:

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this
day of _____, 20__.

Lynn Planning Board

Commonwealth of Massachusetts

Essex,ss

_____, 20, __

Then personally appeared the above-named Planning Board of the City of Lynn, Massachusetts, and acknowledged the foregoing instrument to be their free act and deed before me.

Notary Public
My Commission Expires

APPLICANT

Commonwealth of Massachusetts

Essex,ss

_____, 20, __

Then personally appeared the above-named _____ appeared before me and acknowledged the foregoing instrument to be his/her free act and deed before me.

Notary Public
My Commission Expires

Authorized Bank Representative

Commonwealth of Massachusetts

Essex, ss

_____ 20, ____

Then personally appeared the above-named _____ appeared before me and acknowledged the foregoing instrument to be his/her free act and deed before me.

Notary Public
My commission Expires:

FORM K
PERFORMANCE GUARANTEE
SECURED BY LENDER'S AGREEMENT

20____
Lynn, Massachusetts

AGREEMENT made this date between the City of Lynn Planning Board; _____
hereinafter referred to as "the applicant" of _____, and
_____, hereinafter referred to "the lender" of _____, to
secure construction
of ways and installation of municipal services in the subdivision of land shown on a plan

entitled _____

drawn by _____

dated _____

owned by _____

address: _____

land located _____, and showing _____ proposed lots.

KNOW ALL MEN by these presents that the applicant and the Planning Board of the City of Lynn have
executed a covenant, dated _____ 20____, recorded in the Essex Registry of Deeds,
Book _____ Page _____; that the applicant has recorded a first mortgage with the lender
dated _____, and recorded in the _____ Registry of Deeds
Book _____, Page _____, covering _____, as shown on the above-
referenced plan as security for the payment of a certain note in the principal sum of _____
dollars; and that the applicant and lender hereby bind and obligate themselves, their, or its executors,
administrators, devisees, heirs, successors; and assigns, jointly and severally to the City of Lynn, a
Massachusetts municipal corporation, acting through its Planning Board, in the
sum of _____ dollars, and have secured this obligation by the lender retaining
sum of _____
money of said principal sum otherwise due the applicant to insure the performance by the applicant of all
covenants, conditions, agreements, terms; and provisions contained in the following:

1. Application for Approval of Definitive Plan (Form C) dated _____
2. The Subdivision control law and Planning Board's Rules and Regulations governing this
subdivision and dated _____
3. Conditions-included in the Certificate of Approval issued by the Planning Board and dated _____
4. The Definitive Plan as qualified by the Certificate of Approval; and
5. Other documents specifying construction or installation to be completed,
namely: _____

This Certificate shall remain in full force and effect until the applicant has fully and satisfactorily
performed all obligations.

Upon completion by the applicant of obligations as specified in the following schedule:

SUM TO BE RETAINED BY LENDER	STAGE OF CONSTRUCTION OR INSTALLATION TO BE COMPLETED	DATE WHEN CONSTRUCTION AND INSTALLATION IS TO BE COMPLETED
1. \$		
2. \$		
3. \$		

(add additional stages if necessary)

the interest of Lynn in such funds retained by the lender shall be released, that portion of the agreement covering a specific stage of work shall become void, and the lender may disburse such funds which have been held as security for a specific stage of work, to the applicant. In the event the applicant should fail to complete any stage of construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, any funds remaining undistributed shall be made available in whole, or in part, by the lender to the Planning Board for the benefit of the

to the extent of the reasonable costs to the _____, of completing such construction or installation as specified in this agreement. Any unused portion of such funds will be released by the Planning Board and may be disbursed by the lender to the applicant upon completion of the work by said Applicant

The City of Lynn, acting by and through its Planning Board hereby agrees to release the following lots _____, from the operation of the above-referenced covenant given pursuant to Section 81-U of Chapter 4 1, the Subdivision Control Law without receipt of a bond or deposit of money and further to accept this agreement and the funds in the amount specified herein to be retained by the lender as security for the performance of the project as aforesaid. Upon delivery of this agreement to the Planning Board, said lots shall be released as herein specified.

The lender hereby agrees that none of the funds retained as security, as specified herein, shall be disbursed to the applicant without prior written release of said funds by the Planning Board.

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this Agreement.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 20__.

Lynn Planning Board

Essex,ss

_____,20__

The above-named City of Lynn Planning Board appeared before me this _____ day of _____, and stated this to be their free act and deed.

Notary Public

My Commission Expires _____

SIGNATURE OF APPLICANT

Essex,ss

_____,20__

The above-named _____ appeared before me this _____ day of _____, and stated this to be their free act and deed.

Notary Public

My Commission Expires _____

SIGNATURE OF LENDER

Essex,ss

_____,20__

The above-named _____ appeared before me this _____ day of _____, and stated this to be their free act and deed.

Notary Public

My Commission Expires _____

FORM O

CERTIFICATE OF COMPLETION
AND RELEASE OF MUNICIPAL INTEREST IN SUBDIVISION PERFORMANCE
SECURITY

MARCH , 2020
LYNN PLANNING BOARD
LYNN, MASSACHUSETTS

SUBDIVISION NAME:

OWNER:

OWNER'S ADDRESS:

APPLICANT, IF OTHER THAN OWNER:

APPLICANT'S ADDRESS:

DATE OF SUBDIVISION PLAN:

DESIGNER OF PLAN:

LAND LOCATED:

ESSEX SOUTH REGISTRY OF DEEDS AT PLAN BOOK
TYPE OF PERFORMANCE SECURITY

PERFORMANCE GUARANTEE DATED:

The undersigned, being a majority of the Planning Board of the City of Lynn, have determined that the construction of ways and installation of municipal services in the subdivision referred to above have been fully and satisfactorily completed by the applicant in accordance with the Board's Rules and Regulations to serve the following namely the subdivision of land shown on a plan

.....

City of Lynn, a Massachusetts municipal corporation, acting through its Planning Board, hereby releases its interest in the performance security referred to above.

Duly executed as a sealed instrument this day of March, 2020.

LYNN PLANNING BOARD

APPROVED AS TO FORM

Office of the City Solicitor

Essex, ss.

March , 2020

Then personally appeared the above-named City of Lynn Planning Board and acknowledged the foregoing instrument to be their free act and deeds, before me.

Notary Public
My Commission Expires:

FORM Z

**CITY OF LYNN
PLANNING BOARD
CITY HALL ROOM 401
LYNN, MASSACHUSETTS 01901**

APPLICATION – ROADWAY EXTENSION OR IMPROVEMENT PLANS

APPLICANT _____

ADDRESS _____

CITY/STATE/ZIP CODE _____

E-MAIL ADDRESS _____

TELEPHONE _____

APPLICANT'S SIGNATURE _____

ADDRESS _____

CITY/STATE/ZIP CODE _____

TELEPHONE NUMBER _____

LOCATION

ROADWAY NAME _____

BOUNDARIES _____

ASSESSORS MAP _____

CURRENT ZONING _____

